



# House of Representatives

## File No. 755

General Assembly

February Session, 2014

**(Reprint of File No. 551)**

Substitute House Bill No. 5554  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2014

### ***AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-130 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) A person is guilty of criminal impersonation when such person:  
4 (1) Impersonates another and does an act in such assumed character  
5 with intent to obtain a benefit or to injure or defraud another; or (2)  
6 pretends to be a state marshal with intent to obtain a benefit or induce  
7 another to submit to such pretended official authority or otherwise to  
8 act in reliance upon that pretense; or ~~[(2)]~~ (3) pretends to be a  
9 representative of some person or organization and does an act in such  
10 pretended capacity with intent to obtain a benefit or to injure or  
11 defraud another; or ~~[(3)]~~ (4) pretends to be a public servant other than  
12 a sworn member of an organized local police department or the  
13 Division of State Police within the Department of Emergency Services  
14 and Public Protection, or wears or displays without authority any  
15 uniform, badge or shield by which such public servant is lawfully

16 distinguished, with intent to induce another to submit to such  
17 pretended official authority or otherwise to act in reliance upon that  
18 pretense; or [(4)] (5) with intent to defraud, deceive or injure another,  
19 uses an electronic device to impersonate another and such act results  
20 in personal injury or financial loss to another or the initiation of  
21 judicial proceedings against another.

22 (b) The provisions of subdivision [(4)] (5) of subsection (a) of this  
23 section shall not apply to a law enforcement officer acting in the  
24 performance of his or her official duties.

25 (c) Criminal impersonation is a class A misdemeanor.

26 Sec. 2. Section 52-50 of the 2014 supplement to the general statutes is  
27 repealed and the following is substituted in lieu thereof (*Effective*  
28 *October 1, 2014*):

29 (a) All process shall be directed to a state marshal, a constable or  
30 other proper officer authorized by statute, or, subject to the provisions  
31 of subsection (b) of this section, to an indifferent person. A direction on  
32 the process "to any proper officer" shall be sufficient to direct the  
33 process to a state marshal, constable or other proper officer.

34 (b) Process shall not be directed to an indifferent person unless more  
35 defendants than one are named in the process and are described to  
36 reside in different counties in the state, or unless, in case of a writ of  
37 attachment, the plaintiff or one of the plaintiffs, or his or their agent or  
38 attorney, makes oath before the authority signing the writ that the  
39 affiant truly believes the plaintiff is in danger of losing his debt or  
40 demand unless an indifferent person is deputed for the immediate  
41 service of the writ or other process. The authority signing the writ shall  
42 certify on the writ that he administered the oath and insert in the writ  
43 the name of the person to whom it is directed, but he need not insert  
44 the reason for such direction. Any process directed to an indifferent  
45 person by reason of such an affidavit shall be abatable on proof that  
46 the party making the affidavit did not have reasonable grounds, at the  
47 time of making it, for believing the statements in the affidavit to be

48 true. Any indifferent person who, knowing that he is not authorized to  
49 do so under this section or any other provision of the general statutes,  
50 serves process shall be guilty of a class A misdemeanor.

51 (c) Service of motions for modification, motions for contempt and  
52 wage withholdings in any matter involving a beneficiary of care or  
53 assistance from the state and in other IV-D child support cases may be  
54 made by any investigator employed by the Commissioner of  
55 Administrative Services or the Commissioner of Social Services.

56 (d) Service of motions for modification, motions for contempt and  
57 wage withholdings in any matter involving child support, including,  
58 but not limited to, petitions for support authorized under sections 17b-  
59 745 and 46b-215, and those matters involving a beneficiary of care or  
60 assistance from the state, and service of other process in IV-D support  
61 cases, as defined in subdivision (13) of subsection (b) of section 46b-  
62 231, may be made by a support enforcement officer or support services  
63 investigator of the Superior Court.

64 (e) Borough bailiffs may, within their respective boroughs, execute  
65 all legal process which state marshals or constables may execute.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	53a-130
Sec. 2	October 1, 2014	52-50

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

**Municipal Impact:** None

**Explanation**

The bill expands the crime of criminal impersonation to include pretending to be a state marshal and results in a potential revenue gain. In FY 13 there were 14 offenses of criminal impersonation which resulted in a revenue gain of \$5,400 in fines.

House "A" removes a provision of the underlying bill that would give state marshals access to the Connecticut on-line law enforcement communications teleprocessing system and does not result in a fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to fines.

Sources: Judicial Department Offenses and Revenue Database

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**OLR Bill Analysis****sHB 5554 (as amended by House "A")\******AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.*****SUMMARY:**

This bill makes it criminal impersonation for anyone to pretend to be a state marshal to (1) obtain a benefit or (2) induce another person to submit to a state marshal's authority or act in reliance on the pretense. By law, criminal impersonation is a class A misdemeanor, punishable by up to one year imprisonment, a fine up to \$2,000, or both.

The bill also makes it a class A misdemeanor for an "indifferent person" to serve process knowing that he or she is not authorized to do so. An "indifferent person" is someone who is not a proper officer, such as a state marshal or constable, and who is not involved in the case. Service of process is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

Existing law authorizes a proper officer and, under limited circumstances, an indifferent person to serve legal process in a civil action. An indifferent person may serve such process (1) if it involves multiple defendants who live in different counties in the state or (2) in the case of a writ of attachment (i.e., an order to seize or attach property), one of the plaintiffs, or his or her agent or attorney, makes a sworn statement before the authority signing the order stating that the plaintiff is in danger of losing the debt or demand unless an indifferent person is authorized to serve process immediately. Existing law also authorizes an indifferent person to (1) serve specific types of legal papers, such as a notice to quit possession or occupancy of a premises (CGS § 47a-23(c)) and (2) carry out specific legal orders, such as a bench arrest warrant (CGS § 54-64b).

\*House Amendment "A" removes the provisions that would authorize state marshals to access and use the Connecticut on-line law enforcement communications teleprocessing (COLLECT) system, without charge. The COLLECT system is used by law enforcement and criminal justice agencies to access online state and federal law enforcement resources.

EFFECTIVE DATE: October 1, 2014

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    40    Nay   0    (03/28/2014)